From: kenneth.a.anderson=dhs.gov@co-sender1.com on behalf of FLETC - Legal Division
To: Judson, Philip (SHF)
Subject: The Informer - July 2018
Date: Saturday, July 28, 2018 6:17:51 AM

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The Informer - July 2018

Case Summaries

Circuit Courts of Appeals

First Circuit

United States v. Diaz-Jimenez: Whether officers conducted a lawful protective sweep of the defendant's house after arresting him.

Second Circuit

United States v. Jones: Whether officers lawfully searched the defendant's car under the automobile exception to the Fourth Amendment's warrant requirement and whether the car was located within the curtilage of the defendant's home at the time of the search.

Simon v. City of New York: Whether an Assistant District Attorney and two police officers were entitled to qualified immunity for failing to conform to the terms of an arrest warrant for the plaintiff under the state material witness statute.

Fourth Circuit

United States v. Kehoe: Whether officers had reasonable suspicion to believe the defendant was involved in criminal activity when they seized him at a bar.

Sixth Circuit

United States v. Christian: Whether an officer's search warrant affidavit established probable cause to justify the issuance of a search warrant for the defendant's residence.

Eighth Circuit

United States v. Pulido-Ayala: Whether the warrantless search of the defendant's car was lawful after a drug-dog entered the vehicle through an open door and alerted to the presence of drugs.

United States v. Tuton: Whether the warrantless search of the defendant's bag, located in the luggage compartment of a commercial bus, was reasonable.

Tenth Circuit

United States v. Latorre: Whether an officer established reasonable suspicion to detain the defendant as he flew his aircraft cross-country without an active transponder.

Eleventh Circuit

United States v. Obando: Whether a painted flag on the side of a vessel constituted a valid claim of nationality or registry under the Maritime Drug Law Enforcement Act.

Manners v. Canella: Whether police officers were entitled to qualified immunity after the plaintiff alleged the officers used excessive force when they arrested him.

United States v. Morales: Whether officers obtained valid consent from a third party to search the defendant's bedroom.

FLETC Talks

A brief review of United States Supreme Court cases involving a variety of Constitutional issues relevant to law enforcement officers.

1. Arizona v. Gant (Search Incident to Arrest – Vehicles)

In Gant, the Supreme Court outlined two situations in which the passenger compartment of a vehicle can be searched incident to arrest. Do you remember what they are?

https://www.youtube.com/watch?v=p-Ts09utgKQ

2. Government Employees and Free Speech Rights

The First Amendment permits, in certain circumstances, government employees, to include police officers, to speak as private citizens on matters of public concern. Click on the link below for a discussion on the limitations a government employer can place on its employees right to free speech under the First Amendment.

https://www.youtube.com/watch?v=W6EBfL9_oPY

3. Minnesota v. Dickerson (Plain-Touch Doctrine)

When a police officer detects contraband through his or her sense of touch during a lawful Terry frisk, does the Fourth Amendment permit the officer to seize it?

https://www.youtube.com/watch?v=3s4bDZ83krww

4. O'Connor v. Ortega (Government Workplace Searches)

A discussion of the Fourth Amendment rights of government employees with regard to administrative searches in the workplace, during investigations by supervisors for suspected violations of agency policy rather than by law enforcement officers for criminal offenses.

https://www.youtube.com/watch?v=WeTm3GrzR4Q

FLETC Informer Webinar Schedule

1. Kalkines and Garrity Overview

Presented by John Besselman, Senior Advisor for Training, Office of Chief Counsel, Federal Law Enforcement Training Centers, Glynco, Georgia (John.Besselman@fletc.dhs.gov)

John Besselman will look at these two important cases and how they affect the government's ability to obtain statements from its employees that may be suspected of criminal activity.

Tuesday August 7, 2018 – 2:30 p.m. Eastern / 1:30 p.m. Central / 12:30 p.m. Mountain / 11:30 a.m. Pacific

Thursday August 9, 2018 – 10:30 a.m. Eastern / 9:30 a.m. Central / 8:30 a.m. Mountain / 7:30 a.m. Pacific

To participate in either webinar: https://share.dhs.gov/garrity/

2. United States Supreme Court Update (1-hour)

Presented by Mary M. Mara, Attorney-Advisor / Senior Instructor, Federal Law Enforcement Training Centers, Artesia, New Mexico (mary.m.mara@fletc.dhs.gov)

As the Supreme Court recently concluded its 2017-2018 session, it is a good time to see how the Court ruled on key criminal justice issues. This webinar will review five cases in which the Court addressed issues such as: Fourth Amendment searches regarding a person's cell site location information and vehicles located near a residence; the reasonable expectation of privacy a person has in a rental car; and the potential officer liability regarding the use of deadly force.

Wednesday August 8, 2018 – 3:00 p.m. Eastern / 2:00 p.m. Central / 1:00 p.m. Mountain / 12:00 p.m. Pacific

To participate in this webinar: https://share.dhs.gov/artesia

3. Carpenter v. United States: New Rules on Tracking Suspects (1-hour)

Presented by Patrick Walsh, Attorney-Advisor / Branch Chief, Federal Law Enforcement Training Centers, Glynco, Georgia (patrick.walsh@fletc.dhs.gov)

In Carpenter v. United States, decided on June 22, 2018, the Supreme Court explained how the Fourth Amendment applies when the government tracks a suspect's location when it obtains cell site location information (CSLI) from a suspect's cell phone service provider. This webinar will discuss the short-term and long-term implications of the Carpenter decision, including how applications under Section 2703(d) of the Stored Communications Act must be changed immediately and the impact Carpenter might have on other methods law enforcement officers use to track the location of suspects.

Wednesday August 15, 2018 – 3:00 p.m. Eastern / 2:00 p.m. Central / 1:00 p.m. Mountain / 12:00 p.m. Pacific

To participate in this webinar: https://share.dhs.gov/walsh/

4. Use of Force: Articulation (1-hour)

Presented by Mary M. Mara, Attorney-Advisor / Senior Instructor, Federal Law Enforcement Training Centers, Artesia, New Mexico (mary.m.mara@fletc.dhs.gov).

Knowing when to use force is vital, but if an officer cannot clearly explain later

why he or she used force, the officer risks losing the legal battle that may follow. This webinar will help law enforcement officers better articulate facts and understand the legal principles that drive the ever-growing area of concern for the law enforcement community.

Wednesday August 22, 2018 – 3:00 p.m. Eastern / 2:00 p.m. Central / 1:00 p.m. Mountain / 12:00 p.m. Pacific

To participate in this webinar: https://share.dhs.gov/artesia

5. Video-Only Surveillance: Refresher / Case Law Update

Presented by Patrick Walsh, Attorney-Advisor / Branch Chief, Federal Law Enforcement Training Centers, Glynco, Georgia (patrick.walsh@fletc.dhs.gov)

This webinar will discuss issues that arise when installing a pole camera around a target's home and other legal implications of which law enforcement officers must be aware when utilizing video-only surveillance in other contexts. Mr. Walsh will review appellate court cases that have directly analyzed these issues as well as U.S. Supreme Court cases that might apply in this evolving area of the law.

Wednesday August 29, 2018 – 3:00 p.m. Eastern / 2:00 p.m. Central / 1:00 p.m. Mountain / 12:00 p.m. Pacific

To participate in this webinar: https://share.dhs.gov/walsh/

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